

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GLASS DIMENSIONS, INC., on behalf of the
GLASS DIMENSIONS, INC. PROFIT
SHARING PLAN AND TRUST, and all others
similarly situated,

Plaintiffs,

v.

STATE STREET BANK & TRUST CO.,
STATE STREET CORPORATION, and
STATE STREET GLOBAL ADVISORS,

Defendants.

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Civil Action No. 10-10588-JLT

ORDER

March 21, 2013

TAURO, J.

After a hearing on March 14, 2013, and for the reasons set forth in the accompanying Memorandum, this court hereby orders that:

1. Plaintiff's Motion for Summary Judgment [#104] is DENIED.
2. Defendants' Motion for Summary Judgment [#109] is DENIED.
3. Defendants' Motions to Amend the Class Certification Order [#179, #209] are DENIED. As discussed in more detail in the accompanying Memorandum, Defendants have not shown that ERISA's three year statute of limitations provision is likely to bar the claims of any class members.¹

¹ See Smilow v. Sw. Bell Mobile Sys., Inc., 323 F.3d 32, 39-40 (1st Cir. 2003) (a court may amend the class certification order if "evidence later shows that an affirmative defense is likely to bar claims against at least some class members").

4. Plaintiff's Motion for Leave to File Supplemental Authority [#219] is ALLOWED as unopposed.
5. A Trial Assignment Conference is scheduled for April 1, 2013, at 12:15 p.m. The parties are advised to come to the Conference prepared to discuss the estimated length of trial and their dates of availability for trial.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge